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Attorneys for Plaintiff  
United States of America

IN THE UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF CALIFORNIA

UNITED STATES OF AMERICA,  
  
Plaintiff,  
  
v.  
  
MICHAEL MARCUM,  
  
Defendant.

CASE NO. 1:22-CR-00164-DAD-BAM  
  
STIPULATION TO CONTINUE STATUS  
CONFERENCE; [PROPOSED] ORDER  
  
DATE: July 27, 2022  
TIME: 1:00 p.m.  
COURT: Hon. Barbara A. McAuliffe

**STIPULATION**

Plaintiff United States of America, by and through its counsel of record, and defendant, by and through defendant's counsel of record, hereby stipulate as follows:

1. By previous order, this matter was set for status on July 27, 2022.
2. By this stipulation, the parties now move to continue the status conference until October 12, 2022, and to exclude time between July 27, 2022, and October 12, 2022, under Local Code T4.
3. The parties agree and stipulate, and request that the Court find the following:
  - a) The government has represented that the initial discovery associated with this case has been either produced directly to counsel and/or made available for inspection and copying.

b) Counsel for defendant desires additional time to consult with his client, to review the current charges, to conduct investigation and research related to the charges, and to discuss the government's proposed resolution with his client.

c) Counsel for defendant believes that failure to grant the above-requested continuance would deny him the reasonable time necessary for effective preparation, taking into account the exercise of due diligence.

d) The government does not object to the continuance.

e) Based on the above-stated findings, the ends of justice served by continuing the case as requested outweigh the interest of the public and the defendant in a trial within the original date prescribed by the Speedy Trial Act.

f) For the purpose of computing time under the Speedy Trial Act, 18 U.S.C. § 3161, et seq., within which trial must commence, the time period of July 27, 2022 to October 12, 2022, inclusive, is deemed excludable pursuant to 18 U.S.C. § 3161(h)(7)(A), B(iv) [Local Code T4] because it results from a continuance granted by the Court at the parties' request on the basis of the Court's finding that the ends of justice served by taking such action outweigh the best interest of the public and the defendant in a speedy trial.

4. Nothing in this stipulation and order shall preclude a finding that other provisions of the Speedy Trial Act dictate that additional time periods are excludable from the period within which a trial must commence.

IT IS SO STIPULATED.

Dated: July 12, 2022

PHILLIP A. TALBERT  
United States Attorney

/s/ ALEXANDRE DEMPSEY  
ALEXANDRE DEMPSEY  
Assistant United States Attorney

Dated: July 12, 2022

/s/ ERIC KERSTEN

ERIC KERSTEN

Counsel for Defendant

MICHAEL MARCUM

**[PROPOSED] FINDINGS AND ORDER**

IT IS SO FOUND AND ORDERED this \_\_\_\_ day of \_\_\_\_\_, \_\_\_\_.

THE HONORABLE BARBARA A. MCAULIFFE  
UNITED STATES MAGISTRATE JUDGE